

58



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,299	12/22/2000	Stephen Charles Appling	15555-0017	2628

29052 7590 10/05/2004

SUTHERLAND ASBILL & BRENNAN LLP
999 PEACHTREE STREET, N.E.
ATLANTA, GA 30309

EXAMINER

BONSHOCK, DENNIS G


ART UNIT PAPER NUMBER

2173

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

58

Office Action Summary	Application No. 09/747,299	Applicant(s) APPLING, STEPHEN CHARLES 	
	Examiner Dennis G. Bonshock	Art Unit 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-8 and 10-21 is/are pending in the application.
4a) Of the above claim(s) 6 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10,11,18 and 21 is/are allowed.
- 6) ☒ Claim(s) 1, 3-5, 7, 8, 12-17, 19, and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. It is hereby acknowledged that the following papers have been received and placed on record in the file: Amendment B as received on 7-16-04.

Claims 1, 3-8, and 10-21 have been examined.

Status of Claims:

2. Claims 10, 11, 18, and 21 are allowed.

3. Claims 12, 13, and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Burch et al. in System and Method for Creating an Online Table from a Layout of Objects, Patent Number 6,088,708, hereinafter Burch.

4. Claims 1, 3, 4, 5, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burch and Brobst et al., Apparatus and Method For Formatting a Web Page, Patent Number 6,061,700.

5. Claims 7 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burch and Arora. Method and Apparatus for Implementing Web Pages Having Master Borders, Patent Number 6,311,196.

6. Claims 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burch and Arora, supra and Cowart, Windows 3.1, Special Edition, hereinafter Cowart. Burch teaches the website with the look and feel of an application program.

8. Claim 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Brooks and Burch.

8. Claim 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Brooks and Burch supra and Brobst. Brooks teaches the ability to transmit a web pages to web browsers for display.
9. Claims 2 and 9 have been withdrawn from consideration, in response to the applicant canceling the claims.
10. Claims 6 has been canceled

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claims 12, 13, and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Burch et al. in System and Method for Creating an Online Table from a Layout of Objects, Patent Number 6,088,708, hereinafter Burch.
14. As in claim 12, with regards to the website looking and feeling like an application program, see claim 35(a). With regards to there being a processor for executing a web browser, see column 33, line 3. With regards to there being an input device, see column 33, line 4. With regards to there being a plurality of border cells, see column 29, line 62 and column 30, line 10. With regards to there being a center cell, see column 29, line 19. With regards to there being a content webpage displayed in an inline frame, see column 29, line 23. With regard to the content webpage being displayed entirely within the inline frame, see column 24, lines 49-67. With regard to the border images

begin tiled end to end with in each cell to from the border around the inline frame, see figure 12 and the abstract of Burch.

15. As in claim 13, with regards to a 4-sided border, see column 29, line 62 and column 30, line 10 of Burch. With regards to there being a table and cells that are invisible when the border web page is displayed, see column 30, line 27 of Burch.

16. As in claim 15, in reference to the 8 border cells, see figure 12B, which is referred to by column 25, line 63 of Burch. In reference to each border cell holding an image, see column 25, line 45 of Burch.

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 1, 3, 4, 5, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burch and Brobst et al., Apparatus and Method For Formatting a Web Page, Patent Number 6,061,700.

19. With regard to claim 1, Burch teaches the website with the look and feel of an application program, see column 3, line 38 of Burch. With regard to the plurality of border cells, see column 25, line 37 of Burch. With regard to the center cell including an inline frame, see col. 29, line 19 of Burch. With regard to border cells that include border images, see column 29, line 62 and column 30, line 10 of Burch. With regard to

Art Unit: 2173

the content webpage being displayed entirely within the inline frame, see column 24, lines 49-67. With regard to the number of border cells surrounding the inline frame remaining fixed, see column 25, lines 37-55 and figures 14B and 14C. Burch doesn't note art regarding the ability to access and display a second content webpage in the inline frame. Brobst teaches a window structure similar to that of Burch. In addition Brobst teaches the ability to access and display a second content webpage in the inline frame (see page 1, line 57 and column 2, line 59 through column 3, line 11). It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the functionality to access and display a second content webpage in the inline frame. This would be seen as a beneficial in the way that like websites could be merged together to form a seamless viewing medium.

20. As in claim 3, with regard to the border being a 4-sided border, see column 29, line 62 and column 30, line 10 of Burch.

21. As in claim 4, with regard to the table and cells being invisible when the border webpage is displayed, see column 30, line 27 of Burch.

22. As in claim 5, with regard to the 8 border cells, see figure 12B, which is referred to by column 25, line 63 of Burch. With regard to each border cell holding an image, see column 25, line 45 of Burch.

23. As in claim 14, Burch teaches the website with the look and feel of an application program, but he doesn't note art regarding the ability to access and display a second content webpage in the inline frame. Brobst teaches a window structure similar to that of Burch. In addition Brobst teaches the ability to access and display a second content

Art Unit: 2173

webpage in the inline frame (see page 1, line 57 and in column 2, line 59 through column 3, line 11). It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the functionality to access and display a second content webpage in the inline frame separate from the previous. This would be seen as a beneficial in the way it would allow for a change in the viewing subject much like browser commonly know in the art.

24. Claims 7 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burch and Arora. Method and Apparatus for Implementing Web Pages Having Master Borders, Patent Number 6,311,196. Burch teaches the website with the look and feel of an application program, but he doesn't include display the border and content webpage in a browser, make mention to proportionately resizing the display area and the border webpage and the content webpage, or mention a computer readable medium. With respect to claims 7 and 16, Arora includes the display of the border and content webpage in a browser (see page 1, line 57), and mentions resizing proportionally (see page 1, line 67). It would have been obvious to one of ordinary skill in the art at the time the invention was made would include the display of the border and content webpage in a browser and a means for resizing proportionally. With regards to the displaying the border and content webpage in a browser, this would be beneficial to Burch's invention in it being an optional display means. With regards to the proportional resizing, Burch's invention would benefit from this in that it adds flexibility to his windows.

Art Unit: 2173

25. Claims 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burch and Arora, *supra* and Cowart, Windows 3.1, Special Edition, hereinafter Cowart. Burch teaches the website with the look and feel of an application program. Aurora teaches the display of the border and content webpage in a browser (see page 1, line 57), and mentions resizing proportionally (see page 1, line 67). However neither Burch nor Aurora specifically teach the ability to resize both the height and width of the center cell, without changing the depth of the border. Cowart teaches setting the size of borders to be fixed, allowing the page to be resized, with the borders staying constant (see page 168, line 17, and figure 5.8). It would have been obvious to one of ordinary skill in the art at the time of the invention to give a browser looking like an application program this limitation. This would benefit the browser in that when one wants to resize they usually want to resize the window, not the border.

27. Claim 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Brooks and Burch. Brooks teaches a website display generated by a network server receiving a request for a content webpage stored in memory accessible to the server (see column 3, line 39), and to transmit web pages to web browsers for display (see column 3, line 18). However Brooks doesn't teach a plurality of border cells, each containing an image, surrounding a center cell, containing an inline frame, the content webpage being displayed entirely within the inline frame, or the number of border cells surrounding the inline frame remaining fixed, as recited in the claims. Burch teaches a browser similar to that of Brooks. In addition, Burch further teaches a plurality of border cells, each containing an image (see column 29, line 62 and column 30, line 10), surrounding a

Art Unit: 2173

center cell, containing an inline frame (see column 19, line 19). With regard to the content webpage being displayed entirely within the inline frame, see column 24, lines 49-67. With regard to the number of border cells surrounding the inline frame remaining fixed, see column 25, lines 37-55 and figures 14B and 14C. It would have been obvious to one of ordinary skill in the art, having the teachings of Brooks and Burch before him at the time the invention was made, to modify the browser taught by Brooks to include the border cells and center cell of Burch. One would have been motivated to make such a combination because the use of cells in a webpage can be used to easily partition space.

28. Claim 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Brooks and Burch supra and Brobst. Brooks teaches the ability to transmit a web pages to web browsers for display. Burch teaches a plurality of border cells, each containing an image (see column 29, line 62 and column 30, line 10), surrounding a center cell, containing an inline frame (see column 19, line 19). However neither Brooks nor Burch teach an ability to receive a second content web page. Brobst teaches a browser similar to that of Brooks and Burch. In addition, Burch further teaches the ability to transmit a second content web page (see page 1 line 57). It would have been obvious to one of ordinary skill in the art, having the teachings of Brooks, Burch and Brobst before him at the time the invention was made, to modify the browser taught by Brooks and Burch to include the ability to receive a second content web page. One would have been motivated to make such a combination because the ability to view 2 web pages

simultaneously in one screen keeps the user from flipping between two web sites to view information.

Allowable Subject Matter

29. Claims 10, 11, 18, and 21 are allowed.

30. The following is an examiner's statement of reasons for allowance: The applicant has combined the previously objected matter of claims 10 and 18, with their corresponding independent claims 1 and 12. The applicant has, however, maintained that claims 1 and 12 are allowable by them selves, to which the examiner maintains the rejections, *supra*.

31. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

32. The arguments filed on 7-16-04 have been fully considered but they are not persuasive. Reasons set forth below.

33. The applicants' argue that Brobst doesn't teach the replacement of a first content webpage with a second content webpage.

34. In response the examiner respectfully submits that Brobst teaches, in column 2, line 59 through column 3, line 11, the operation of viewing web pages over the Internet where upon the user entering a URL, the browser provides specified web page to the

Art Unit: 2173

user. It would be obvious that though one content webpage is current being displayed that another could replace it in the interface.

35. The applicants' argue that since claim 12 is amended to recite that in response to a resize command the border images are retiled accordingly, it should be allowable for the same reasons as 10.

36. In response the examiner respectfully submits that, the claim has not been amended to present all of the same limitations presented in claim 10, and therefor the rejection is maintained, supra.

Conclusion

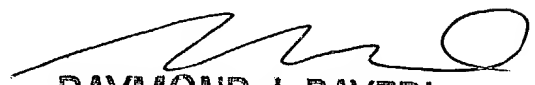
39. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis G. Bonshock whose telephone number is (571) 272-4047. The examiner can normally be reached on Monday - Friday, 6:30 a.m. - 4:00 p.m.

40. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2173

41. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

9-30-04
dgb



RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173